IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4799 OF 2005

Mohd. Salim M.K.Shaikh @
Vishnu ...Applicant
Vs.
The State of Maharasthra ...Respondent

Shri. Afroz A. Siddique for the Applicant.
Ms M. H. Mhatre, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : AUGUST 04, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for the State. The offence alleged against the Applicant is under section 381 of the Indian Penal Code. The allegation against the Applicant is that he has stolen cash amount of Rs.69,600/- from the office of his Company where he was employed. The offence took place on 23rd February, 2004 and the Applicant was arrested on 19th March, 2005.

2. Chargesheet is already filed after completion of the investigation. The only reason given by the learned Additional Sessions Judge for rejecting the Application for bail filed by the Applicant is that the Applicant is not having permanent residence at Mumbai and therefore, if he is released on bail, his presence cannot be secured for trial.

3. In my view, considering the facts and circumstances of the case, Application could not have been rejected only on the ground that the Applicant is not having permanent residence at Mumbai. For securing the presence of the Applicant at the time of trial, stringent conditions including the condition to

furnish local sureties could have been imposed.

4. The Applicant is in custody from March 2005. As stated earlier, the learned Additional Sessions Judge rejected his Application only on the aforesaid ground. The Applicant is, therefore, entitled to be enlarged on bail on stringent terms and conditions.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with C.R.No.51 of 2004 of Saki Naka Police Station, subject to furnishing a personal bond of Rs.15,000/- with one or two local sureties from Mumbai in the like amount.

ii) The order granting bail will be given effect only after the Applicant furnishes to the Investigating Officer complete address of his place of residence where he proposes to stay after he is enlarged on bail.

iii) The Bail is granted subject to condition that till the conclusion of trial, the Applicant will report to Saki Naka Police Station on every first and third Sunday of every calendar month.

iv) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witness and shall not in any manner tamper with prosecution evidence.

v) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) The parties to act upon an authenticated copy of this order.

JUDGE